

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
DELRAY RICHARDSON,

Plaintiff,

- against -

TOWNSQUARE MEDIA, INC.,

Defendant.
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1:24-cv-04217-AKH

**DECLARATION OF CELYRA
MYERS IN SUPPORT OF
DEFENDANT’S MOTION FOR
JUDGMENT ON THE
PLEADINGS**

I, Celyra Myers, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an associate at the law firm of Davis Wright Tremaine LLP, attorneys for Townsquare Media, Inc. (“Defendant”) in the above-captioned action. I submit this Declaration in support of Defendant’s Motion for Judgment on the Pleadings. This Declaration is based on my personal knowledge, except as otherwise indicated.

2. Annexed hereto as **Exhibit A** is a true and correct copy of the video referred to in the FAC as Video 1, which Plaintiff Delray Richardson’s alleges he authored (the “Jordan Video”) (First Amended Complaint “FAC” ¶¶ 15, 17). Exhibit A is an MP4 video file, and has been shared with the Court via file transfer and compact disc.

3. Annexed hereto as **Exhibit B** is a true and correct copy of the video referred to in the FAC as Video 2, to which Plaintiff Delray Richardson alleges he was assigned the copyright (the “Melle Mel Video”), as uploaded to YouTube.com at <https://youtu.be/h6bT2FNmjc0?si=vj9CGeh58zPOXNje>, on March 2, 2023 (FAC ¶¶ 18, 19). Exhibit B is an MP4 video file, and has been shared with the Court via file transfer and compact disc.

4. Annexed hereto as **Exhibit C** is a true and correct copy of a screen capture of The Art of Dialogue LLC's March 2, 2023 publication of Video 2 on YouTube.com, located at <https://youtu.be/h6bT2FNmjc0?si=jaxdVhz36kpK2gUC> (last accessed Oct. 18 2024).

5. Annexed hereto as **Exhibit D** is a true and correct copy of the news article "Michael Jordan Intervenes in Heated Confrontation Involving Wack 100 in Viral Video From 2015 – Watch," published by Defendant on July 24, 2023 at <https://www.xxlmag.com/michael-jordan-intervenes-wack-100-confrontation/> and captured at <https://web.archive.org/web/20230803135000/https://www.xxlmag.com/michael-jordan-intervenes-wack-100-confrontation/> on August 3, 2023 (FAC ¶ 33).¹

6. Annexed hereto as **Exhibit E** is a true and correct copy of the news article "Melle Mel Thinks Eminem Is Only Considered a Top Five Rapper Because Em's White," published by Defendant on March 3, 2023 at <https://www.xxlmag.com/melle-mell-eminem-not-top-five-rapper/> and captured at <https://web.archive.org/web/20230621193810/https://www.xxlmag.com/melle-mell-eminem-not-top-five-rapper/> on June 21, 2023 (FAC ¶ 36).²

7. Annexed hereto as **Exhibit F** is a true and correct copy of the news article "50 Cent Fires Back at Melle Mel Saying Eminem's is a Huge Success Because Em's White," published by Defendant on March 5, 2023 at <https://www.xxlmag.com/50-cent-melle-mel-eminem-comments-top-five-rapper/> and captured at <https://web.archive.org/web/20240421205416/https://www.xxlmag.com/50-cent-melle-mel-eminem-comments-top-five-rapper/> on April 21, 2024 (FAC ¶ 37).³

¹ The still image and embedded video at issue were removed from the article prior to the institution of this action.

² The still image and embedded video at issue have been removed from the article since the institution of this action.

³ The still image and embedded video at issue have been removed from the article since the institution of this action.

8. Annexed hereto as **Exhibit G** is a true and correct copy of the YouTube.com Terms of Service, Effective Date January 5, 2022, obtained from <https://www.youtube.com/t/terms?archive=20220105> (last accessed on Oct. 18, 2024).⁴

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on October 18, 2024

/s/ CelYra Myers
CEL YRA I. MYERS

⁴ The YouTube Terms of Service have since been updated, as of December 15, 2023 (after the events giving rise to this action). The current terms are available at <https://www.youtube.com/static?template=terms>.